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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/345,659	06/30/1999	JAMES A. MICHENER	PD-990066	1480

20991 7590 11/13/2006

THE DIRECTV GROUP INC  
PATENT DOCKET ADMINISTRATION RE/R11/A109  
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EXAMINER

OPSASNICK, MICHAEL N

ART UNIT PAPER NUMBER

2626

DATE MAILED: 11/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/345,659

**Applicant(s)**

MICHENER, JAMES A.

**Examiner**

Michael N. Opsasnick

**Art Unit**

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-16 and 28-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3 and 5-14 is/are allowed.
- 6) ☒ Claim(s) 15, 16 and 28-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 1-3,5-14 are allowable over the prior art of record.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 15,16,28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hiroi (6549241) in view of Rao et al (6253293).

As per claim 15, Hiroi (6549241) teaches an uplink transmitting AC-3 audio with video transmissions in a satellite broadcast system (col. 4 lines 35-50; col. 5 lines 60-65) comprising:

“an encoder.....digital transport packets” as data process handling the input signal (fig. 1), and mixing the signal to audio and video signals (fig. 1, subblock 150 -- stream combiner)

“a multiplexer.....guide data” as multiplexing the information, including guide information (fig. 1, subblock 145; fig 5a – category lists; and figure 6)

Hiroi (6549241) does not explicitly teach sensing a plurality of audio signal formats and redirecting the signals to a plurality of encoders (Hiroi (6549241) teaches separation of multistream data), however, Rao et al (6253293) teaches a processor that receives multiple audio input formats (col. 2 lines 14-21, col. 3 lines 17-25) and outputs the differing audio signals to the output lines (col. 4 lines 50-53) to the appropriate codecs (col. 4 lines 55-58). Therefore, it would have been obvious to one of ordinary skill in the art of multistream data handlers to modify the teachings of Hiroi (6549241) with a multichannel audio decoder as taught by Rao et al (6253293) because it would advantageously provide for the ability of handling different types of audio data and process this information efficiently (Rao et al (6253293), col. 2 lines 45-55).

As per claims 16,28, the combination of Hiroi (6549241) in view of Rao et al (6253293) teaches detection of format type (Rao et al (6253293) ,as detecting different audio types, including differentiation between AC3 and S/PDIF) and using the microcontroller to determine the appropriate output port (Rao et al (6253293) ,Fig. 1b, DAO or XMT).

Claims 29-31 are method claims that are similar in scope and content of apparatus claims 15,16, and 28; therefore, method claims 29-31 are rejected under similar rationale as presented above against claims 15,16, and 28.

### ***Response to Arguments***

4. Applicant's arguments filed 9/6/2006 have been fully considered but they are not persuasive. As per applicant's arguments on page 6, paragraph 3, of the response, examiner disagrees and argues that "uplink processing or encoder input in a direct satellite broadcast system" is currently not claimed. This claim language is found in the preamble only, is not reinforced in the body of the claim, and therefore has not patentable weight (MPEP 2111.03 Section II). The already allowed claims do present such language in the body of the claim (and therefore afforded patentable weight) and hence the prior art of record was overcome.

Similar rationale applies to page 6 paragraph 4 and page 7 paragraph 1 of the response. With respect to the last paragraph of page 7 of the response, examiner notes that the newly presented claims 29-31 are similar in scope and content of claims 15,16, and 28, and are therefore rejected under similar rationale.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 26264

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Opsasnick, telephone number (571)272-7623, who is available Tuesday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Richemond Dorvil, can be reached at (571)272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

mno  
11/8/06



Michael N. Opsasnick  
Examiner  
Art Unit 2626